

Written Testimony of Representative Garey Bies
Assembly Property Rights Committee
AB 285 – Revising the Adverse Possession Statute

Good morning Chair Williams and fellow Committee members. Thank you for allowing me this opportunity to testify in support of Assembly Bill 285, relating to new requirements under the adverse possession statute – Chapter 841.

The need for this legislation was brought to my attention by a constituent who stands to lose a 1.7 acre piece of her property to a neighbor who has brought forth a claim for the land. For those of you who are unfamiliar with this law, which actually originated in 1849, adverse possession allows a person to get title to land from the owner by openly using the land for a specified period of time – either seven, 10 or 20 years based on the specific circumstances.

An example would be if your neighbor built a fence on your land and you were aware of it, but did nothing. If this continued for 20 years, your neighbor may be able to make a claim to the property – the assumption being that by not disputing your neighbor's use of your land, as the owner you have abandoned your rights to the property.

AB 285 would level the playing field between the adverse possessor and the rightful owner of the property. It would require the person making the adverse possession claim to pay the owner the fair market value for the property, as well as all property taxes for the period during which the property was adversely possessed.

I hope you will agree with me that it only makes sense that if someone is successful in taking a piece of your property through an adverse possession claim, you – as the owner – should receive a fair price for that land, and be reimbursed for the property taxes you've paid on it during that period of time.

I would be happy to answer any questions members may have.